

**MEINEKE CAR CARE CENTERS, INC.,**

**Plaintiff,**

**vs.**

**RUDOLPH H. MOORE and**  
**GB5 MOTORS, INC.**

**Defendants.**

**THIS MATTER** comes before the Court sua sponte. On August 19, 2013, this Court issued an order granting Plaintiff's Motion for Preliminary Injunction and denying Plaintiff's Motion for Default Judgment. (Doc. No. 12). Specifically, the Court denied default judgment due to the existence of a Franchise Agreement requiring the final merits of Plaintiff's claims to be determined in arbitration proceedings. (*Id.* at 5). In addition, the Court ordered the following:

(Id. at 6).

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule--except one for lack of jurisdiction, improper venue,

or failure to join a party under Rule 19--operates as an adjudication on the merits.

It is Plaintiff's burden to move this case forward, and Plaintiff has failed to do so.

**IT IS, THEREFORE, ORDERED** that all of Plaintiff's claims against Defendant are **DISMISSED without prejudice**. The Clerk is directed to close this case.

Signed: October 7, 2013

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

